

May 13, 2019

Brian R. Dell
Melissa N. Dell
11308 Red Lion Road
White Marsh, MD 21162

Re: Schaub Property
11308 Red Lion Road
Forest Buffer Variance
Tracking # 06-19-2956

Dear Mr. and Mrs. Dell:

Baltimore County Department of Environmental Protection and Sustainability (EPS) received the above referenced request for a variance to the Baltimore County Code, Article 3 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) on March 13, 2019. If granted, the variance would allow the continued use of 5,286 square feet of Forest Buffer Easement (FBE) to maintain a rear yard. The property owners propose to plant 12 1-inch caliper Maryland native trees in open areas within the FBE and to remove asphalt millings and pea gravel adjacent to the stream to mitigate for the water quality impacts associated with the proposed variance.

The 0.9-acre FBE on this property was created in 1995 as part of the Schaub Property subdivision to protect the stream along the rear property line. The easement occupies the majority of the rear yard. There is a sewer line with a 15-foot right-of-way that cuts across the easement and the property. In addition to the sewer line and right-of-way, there is a shared driveway located within the easement. Compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains would prevent the property owners from having full use of their back yard. The inability to utilize any of the easement area in light of the existing impacts to the easement associated with the sewer line and the shared driveway represent an unreasonable hardship for the property owners. Given the easement size and location and the existing impacts to the easement from other users, this Department finds that an unreasonable hardship exists in fully meeting the Forest Buffer Law.

Impacts to water quality will be minimized since the property owners will plant Maryland native trees in the unforested area of the FBE between the sewer right-of-way and the stream. In addition, all hard surfaces will be removed from the easement area between the stream and sewer right-of-way. Furthermore, all vehicles and boats currently located on the hard surface will be re-located to the other side of the sewer right-of-way and all bare ground exposed as part of the

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hard surface removal will be seeded and stabilized. This area will become a non-disturbance area and allowed to revegetate naturally after the mitigation items listed above are complete.

Based upon our review and in accordance with Article 33-3-106 and Article 33-3-112(c) of the Baltimore County Code, the variance request is hereby granted with the following conditions:

1. The property owner shall mitigate for the 5,286 square feet of impact to the forest buffer by planting 12 1-inch caliper Maryland native trees in the open areas in the FBE between the sewer right-of-way and the stream by November 30, 2019.
2. All hard surfaces and vehicles in the FBE between the sewer right-of-way and the stream will be removed, and the resulting bare ground will be seeded and stabilized. All areas of the FBE outside the proposed continued use area shall remain non-disturbance areas and be allowed to regenerate naturally.
3. The following note must appear on all plans and plats submitted for this project:

“A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains was granted by the Baltimore County EPS on May 13, 2019. This variance allowed permanent impact to 5,286 square feet of Forest Buffer for the continued use of a rear yard. Conditions were placed on this approval to reduce water quality impacts including the planting of Maryland native trees in open areas within the Forest Buffer Easement and the removal of all hard surfaces in the easement between the existing sewer right-of-way and the stream.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of this project.

If you have any questions regarding this correspondence, please call Mr. Gris Batchelder at (410) 887-3980.

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Sincerely,

David V. Lykens
Deputy Director

DVL/cgb

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains.

Property Owners

Date

Printed Names